

Kent Khtikian, Esq. (#99843)  
 Katzenbach and Khtikian  
 1714 Stockton Street, Suite 300  
 San Francisco, California 94133-2930  
 (415) 834-1778

Attorney for Plaintiffs

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

TRUSTEES OF THE BRICKLAYERS LOCAL NO. 3 PENSION TRUST; TRUSTEES OF THE BRICKLAYERS LOCAL NO. 3 HEALTH AND WELFARE TRUST; TRUSTEES OF THE BRICKLAYERS AND ALLIED CRAFTS LOCAL NO. 3 APPRENTICE TRAINING TRUST; INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN, AFL-CIO, LOCAL UNION NO. 3, on behalf of itself and as agent for its members; TRUSTEES OF THE INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN PENSION FUND,	)	CASE NO. C 07 0365 MJJ
	)	(Labor)
	)	
	)	STIPULATION FOR
	)	DISMISSAL OF SURETY
	)	COMPANY OF THE PACIFIC;
	)	<del>Proposed</del> ORDER
	)	DISMISSING SURETY
	)	COMPANY OF THE PACIFIC
	)	WITHOUT PREJUDICE
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
GRAHN MASONRY INC., a California corporation; ROBERT EUGENE GRAHN; and, SURETY COMPANY OF THE PACIFIC, a California corporation,	)	
	)	
Defendants.	)	

WHEREAS plaintiffs and defendants, GRAHN MASONRY INC., and ROBERT EUGENE GRAHN, have entered into a settlement agreement which provides for entry of a stipulated judgment against GRAHN MASONRY INC., and ROBERT EUGENE GRAHN.

WHEREAS the final payment from Grahn Masonry and Robert

1 Grahn to plaintiffs is not due to plaintiffs until September 1,  
2 2007.

3 WHEREAS plaintiffs and defendant SURETY COMPANY OF THE  
4 PACIFIC wish to avoid unnecessary litigation and do not wish to  
5 be prejudiced by the dismissal of plaintiffs' complaint against  
6 Surety Company of the Pacific.

7 WHEREAS defendant SURETY COMPANY OF THE PACIFIC hereby  
8 agrees that should plaintiffs file a new complaint against SURETY  
9 COMPANY OF THE PACIFIC on or before November 1, 2007 for the same  
10 cause of action set forth in plaintiffs' complaint filed in this  
11 action (CASE NO. C 07 0365 MJJ), the time period for calculating  
12 any applicable limitations period shall be calculated as if such  
13 subsequent complaint was filed on January 18, 2007.

14 NOW THEREFORE, the parties hereto request that the Court at  
15 this time order the dismissal of plaintiffs' complaint against  
16 only SURETY COMPANY OF THE PACIFIC, without prejudice.

17  
18 SO AGREED AND STIPULATED:  
19  
20

21 Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
Steven Nimoy, Esq.  
Attorney for Surety Company of  
The Pacific

22  
23  
24  
25 Dated: \_\_\_\_\_, 2007

\_\_\_\_\_  
Kent Khtikian, Esq.  
Attorney for Plaintiffs

1 Grahn to plaintiffs is not due to plaintiffs until September 1,  
2 2007.

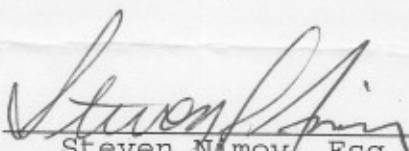
3 WHEREAS plaintiffs and defendant SURETY COMPANY OF THE  
4 PACIFIC wish to avoid unnecessary litigation and do not wish to  
5 be prejudiced by the dismissal of plaintiffs' complaint against  
6 Surety Company of the Pacific.

7 WHEREAS defendant SURETY COMPANY OF THE PACIFIC hereby  
8 agrees that should plaintiffs file a new complaint against SURETY  
9 COMPANY OF THE PACIFIC on or before November 1, 2007 for the same  
10 cause of action set forth in plaintiffs' complaint filed in this  
11 action (CASE NO. C 07 0365 MJJ), the time period for calculating  
12 any applicable limitations period shall be calculated as if such  
13 subsequent complaint was filed on January 18, 2007.

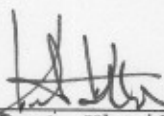
14 NOW THEREFORE, the parties hereto request that the Court at  
15 this time order the dismissal of plaintiffs' complaint against  
16 only SURETY COMPANY OF THE PACIFIC, without prejudice.

17  
18 SO AGREED AND STIPULATED:  
19

20  
21 Dated: 3/29, 2007

  
Steven Nimoy, Esq.  
Attorney for Surety Company of  
The Pacific

22  
23  
24  
25 Dated: 4/12/07

  
Kent Khtikian, Esq.  
Attorney for Plaintiffs

26  
27  
28 Dated: 4/24/2007



**PROOF OF SERVICE BY MAIL**

I am a resident of the County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is Katzenbach & Khtikian, 1714 Stockton Street, Suite 300, San Francisco, California 94133. On April 16, 2007, I served the within:

**1. STIPULATION FOR DISMISSAL OF SURETY COMPANY OF THE PACIFIC; [Proposed] ORDER DISMISSING SURETY COMPANY OF THE PACIFIC WITHOUT PREJUDICE.**

on the parties remaining in the action herein, by placing a true copy thereof enclosed in a sealed envelope with first class mail postage thereon fully prepaid in the United States Mail at San Francisco, California, addressed as follows:

Robert Grahm  
Grahm Masonry Inc.  
1932 Chambers Circle  
Brentwood, CA 94513

I declare under penalty of perjury that the forgoing is true and correct, and that this declaration was executed on April 16, 2007 in San Francisco, California.

/s/  
Nikole M. Pagan